



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named
Inventor : Steven Bathiche et al.

Appln. No.: 09/251,519
Filed : February 17, 1999
For : TWO-HANDED COMPUTER INPUT
DEVICE WITH ORIENTATION
SENSOR

Docket No.: M61.12-0101

Group Art Unit: 2675

Examiner: S. Kumar

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REPLY BRIEF

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Shane R. Langley
PATENT ATTORNEY

Sir:

This is in response to the Examiner's Answer dated May 5, 2004.

On page 9 of the Examiner's Answer, the Examiner states that, "It appears Appellant is suggesting a 35 USC 102 rejection using Ogata is in order." However, it is respectfully submitted that this statement mischaracterizes Appellant's argument presented in the Supplemental Appeal Brief filed on December 31, 2004.

On pages six and eight of the Appellant's Supplemental Brief, Appellant points to language in Ogata et al, not previously identified by the Examiner, that describes an angular velocity sensor or gyroscope as not being limited to correcting vibration variation. The angular velocity sensor determines the attitude of the game machine control module based on the angular velocity detection signals. However, Ogata et al. goes on to state that the game machine control module transmits the variation of attitude to the game machine in place of input from the control button. See col. 34, lines 20-50.

The Appellant uses this portion of Ogata et al. to argue at least two points. First, Ogata et al. suggests that the angular velocity sensor can be used for determining attitude variation. The Examiner argues that one of ordinary skill could use the gyroscope for physical movement and one of ordinary skill would look to Barnes et al. to incorporate such physical movement. See Examiner's Non-Final Office Action dated October 6, 2003. However, Ogata et al. already suggests a way to incorporate attitude variation. Thus, one of ordinary skill would not need to look to Barnes et al. Second, even if Barnes et al. and Ogata et al. were combined, the combination does not teach or suggest placing data in a data packet that contains both physical orientation information and multiple switch information related to an input device having at least two degrees of rotational freedom. At best, Ogata et al. describes sending positional information in place of button information. It is respectfully submitted that Appellant's arguments are applicable and valid, and that patentability is warranted, regardless of whether the Examiner's rejection is based under §102 or 103.

Appellants respectfully request that the Board reverse the Examiner's rejection and find all pending claims allowable.

Respectfully submitted,
WESTMAN, CHAMPLIN & KELLY, P.A.

By: Leanne R. Taveggia
Leanne R. Taveggia, Reg. No. 53,675
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

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